

Exhibit G

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PAUL CULBERTSON, KATHY NEAL,
KELLY ALLISON-PICKERING, JESSICA
HAIMAN, ALEXANDER CABOT, BRIANA
JULIUS, NICHELLE NEWLAND,
BERNADETTE NOLEN, and ALEXNADRIA
POLICHENA, *individually and on behalf of all
others similarly situated,*

Plaintiffs,

v.

DELOITTE CONSULTING LLP

Defendant.

Case No.: 1:20-cv-03962-LJL (lead case)

Consolidated with

Case No.: 1:20-cv-4129-LJL

Case No.: 1:20-cv-4077-LJL

Case No.: 1:20-cv-4362-LJL

Case No.: 1:20-cv-5070-LJL

**DECLARATION OF JOHN A. YANCHUNIS IN SUPPORT OF
PLAINTIFFS' MOTION FOR APPOINTMENT OF INTERIM
CLASS COUNSEL PURSUANT TO FED. R. CIV. P. 23(G)(3)**

I, John A. Yanchunis, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I lead the National Consumer Class Action section of Morgan & Morgan's Complex Litigation Group. Morgan & Morgan is the largest Plaintiff's, contingency-only law firm in the country, with over 550 lawyers in more than 50 offices throughout the United States. Its depth as a trial firm, and its self-funded financial resources, allow it to undertake the largest and most significant cases throughout the country. Morgan & Morgan is comprised of outstanding trial lawyers who have recovered groundbreaking, multi-million dollar verdicts, as well as attorneys who have held significant roles in government and public service. Morgan and Morgan lawyers have played pivotal roles in shaping class-action jurisprudence across the country. While Morgan & Morgan's Complex Litigation Group draws its expertise from fifteen attorneys

supported by skilled paralegals, retired FBI agents who work in the department as investigators, and state-of-the-art technology, the Group benefits from the vast experience, commitment, and resources of the entire firm. In particular, one of the Group's four former FBI agents—who was the agent in charge of the FBI's investigation of ENRON and who retired from senior management with the Bureau—leads the investigative team of the Group. These investigators, who have investigated cyber-crime during their respective careers in the FBI, are unique assets available to the prosecution efforts of the firm and will play an important role in the factual investigation of this case. A Firm Biography detailing Morgan & Morgan, as well as the National Consumer Class Action department at Morgan & Morgan, is attached hereto as **Exhibit 1**.

2. My practice—which began after completing a two-year clerkship with United States District Judge Carl O. Bue, Jr., Southern District of Texas—has concentrated on complex litigation and spans over 37 years, including consumer class actions for more than two-thirds of that time. I began work in privacy litigation in 1999 with the filing of *In re Doubleclick Inc. Privacy Litigation*, 154 F. Supp. 2d 497 (S.D.N.Y. 2001), alleging privacy violations based on the placement of cookies on hard drives of internet users. Beginning in 2003, I served as co-Lead Counsel in the successful prosecution and settlement of privacy class action cases involving the protection of privacy rights of more than 200 million consumers under the Driver's Protection Privacy Act (DPPA) against the world's largest data and information brokers, including Experian, R.L. Polk, Acxiom, and Reed Elsevier (which owns Lexis/Nexis). *See Fresco v. Automotive Directions, Inc.*, No. 03-61063-JEM (S.D. Fla.), and *Fresco v. R.L. Polk*, No. 07-cv-60695-JEM (S.D. Fla.). Subsequently, I also served as co-Lead Counsel in the DPPA class cases, *Davis v. Bank of America*, No. 05-cv-80806 (S.D. Fla.) (\$10 million class settlement), and *Kehoe v. Fidelity Fed. Bank and Trust*, No. 03-cv-80593 (S.D. Fla.) (\$50 million class settlement).

3. My MDL data breach experience includes: *In re: Capital One Consumer Data Security Breach Litigation*, No. 1:19-MD-2915-AJT (E.D. Va.) *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752-LHK (N.D. Cal.) (“Yahoo”) (Lead Counsel) (final judgment entered approving a settlement with a total value of \$117,500,000.00); *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.) (co-Lead Counsel) (final judgment entered approving a settlement on behalf of a class of 40 million consumers with total value of \$29,025,000); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.) (member of the Plaintiffs’ Steering Committee) (final judgment entered approving \$380.5 million fund); *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.D.C.) (“OPM”) (member of the Executive Committee) (dismissal on standing grounds recently reversed on appeal to the D.C. Circuit); *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2522 (D. Minn.) (Executive Committee member) (final judgment approving a settlement on behalf of a class of approximately 100 million consumers upheld by the 8th Circuit).

4. My court-appointed leadership experience in non-MDL, data breach class actions is likewise significant, including: *Adkins, v. Facebook, Inc.*, No. 3:18-cv-05982 (N.D. Cal.) (Co-Lead Counsel) (“Facebook”) (pending preliminary approval); *Walters v. Kimpton Hotel & Restaurant*, No. 3:16-cv-05387 (N.D. Cal.) (“Kimpton”) (Lead Counsel) (class action settlement final approval order entered July 11, 2019); and *In re: Arby’s Restaurant Group, Inc. Data Security Litigation*, Nos. 1:17-cv-514 and 1:17-cv-1035 (N.D. Ga.) (co-Liaison Counsel) (final approval of a class settlement entered June 6, 2019); and *Jackson, et al., v. Wendy’s International, LLC*, No. 6:16-cv-210-PGB (M.D. Fla.) (final approval of a class settlement entered February 26, 2019) *Burrows v. Purchasing Power, LLC*, 1:12-cv-22800 (S.D. Fla.) (Class action settlement approved)

(Lead Counsel); *Bishop v. Shorter University*, 4:15-cv-00033-HLM (N.D. Ga) (class action settlement approved) (Lead Counsel); and *Albert v. School Board of Manatee County, Florida*, 17-CA-004113 (Fla. 12th Cir.) (Class settlement approved).

5. My experience in these major data breach matters extends far beyond simply briefing threshold issues and negotiating settlements. Rather I have personally deposed corporate representatives and CISOs in major data breach cases such as *Yahoo*, *Kimpton*, and *Facebook*. In *Kimpton*, the Court bifurcated pre-trial proceedings and ordered the parties to proceed first with discovery and summary judgment on liability and damages as to the named plaintiff only. Accordingly, nearly a dozen depositions and production and review of tens of thousands of pages of documents followed. In *Yahoo*, Defendants produced more than 9 million pages of documents, Plaintiffs deposed nine witnesses, and Plaintiffs provided reports for and defended depositions of four experts. In *Facebook*, Plaintiffs deposed fourteen witnesses, provided four expert reports, defended depositions of three experts, and achieved contested class certification for injunctive relief under Rule 23(b)(2). These cases demonstrate my ability to lead complex class litigation in this area of the law and to work collaboratively with others.

6. I was recently recognized by Law360 as 3 MVPs in the area of Cybersecurity. Similarly, in 2016, I was recognized by the National Law Journal as its 2016 Trailblazer in the Area of Cybersecurity & Data Privacy.

7. Because of my experience in privacy and data breach litigation, I have been a speaker at numerous conferences focused on privacy: NetDiligence Cyber Risk & Privacy Liability Forum, October 6, 2015; HB Litigation Conferences, February 11, 2016; NetDiligence Cyber Risk & Privacy Liability Forum, June 7, 2016; CPLC CLE, June 18, 2016; Advisen's Executive Risk Insights Conference on Wednesday, September 21, 2016, New York, New York;

HB Litigation Conferences, March 17, 2017; NetDiligence Cyber Risk & Privacy Liability Forum, June 6, 2017; Martin Harris Conference, September 28, 2017; New Jersey Association For Justice, May 10, 2018; Los Angeles Class Action Conference, January 11, 2019; The Sedona Conference, February 28, 2019; International Conference on Class Actions and Collective Red, Haifa, Israel, March 28, 2019; Mass Tort Made Perfect, October 23, 2019, Masters of Mass Torts, Cancun, Mexico, February 25, 2020, Class Action Forum, San Diego, California, March 4, 2020.

8. In addition to the areas of privacy, in 2016, I presented at the Consumer Class Actions: Emerging Areas of Litigation, Practical Insights and Recent Developments (May 5, 2016, San Juan, P.R.) on the topics on handling class litigation in MDLs and also class action trials. In addition, I have presented or spoken at numerous seminars on class action topics over the years.

9. Alongside my experience in the area of privacy, I also served as lead, co-lead, and class counsel in numerous national class actions, including multi-district litigation, involving a wide range of subjects affecting consumers, including antitrust, defective products, life insurance, annuities, and deceptive and unfair acts and practices.

10. As a result of my experience in insurance and complex litigation, beginning in 2005, I was selected by Tom Gallagher, the Chief Financial Officer for the state of Florida and a member of the Florida Cabinet, to serve as lead counsel for the Florida Department of Financial Services and the Florida Department of Insurance Regulation (the insurance regulators of Florida) in their investigations of the insurance industry on issues concerning possible antitrust activity and other possible unlawful activities regarding the payment of undisclosed compensation to insurance brokers. I served as lead regulator counsel and worked with a core group of state Attorneys General from the National Association of Attorneys General, which were selected to conduct the investigations. The insurance regulator for Florida was the only insurance regulator in the group.

The litigation that was filed and the related investigations netted millions of dollars in restitution for Florida consumers and resulted in significant changes in the way commercial insurance is sold in Florida and across the country.

11. During my career, I have tried numerous cases in state and federal courts, including one of the largest and longest insurance coverage cases in U.S. history, which was filed in 1991 by the Celotex Corporation and its subsidiary, Carey Canada, Inc. During the seventeen years the case pended, I served as lead counsel for several insurance companies, regarding coverage for asbestos and environmental claims. The case was tried in three phases over several years beginning in 1992. I was also lead counsel for these parties in the subsequent appeals that followed a judgment in favor of my clients.

12. Through my experience in numerous leadership positions in class cases, I have exhibited the ability to work cooperatively with others, including both co-counsel and opposing counsel. Accordingly, I am well regarded in the state of Florida as a lawyer, as reflected by my election to and service on the Florida Board of Governors (the governing body of The Florida Bar), a member of the Florida Bar Foundation, and by my appointment by the Supreme Court of Florida to serve as a member of the Board of Directors of the Florida Board of Bar Examiners. Although I completed my five-year appointment on the Board of Bar Examiners, I continue to serve as an Emeritus Member on character and fitness panels and as an arbiter in final hearings. I have also served on many committees of The Florida Bar, including leadership and chair positions. Most recently, I completed a term as the Chair of the Consumer Protection Committee of the Florida Bar. I have also represented The Florida Bar in a number of matters. As result of my experience in the area of class litigation and ethics, I have served as an expert for The Florida Bar on ethical issues arising in class action litigation.

13. I am currently a member in good standing of The Florida Bar, and of all the bars to which I have been admitted, including the United States Supreme Court, the United States Court of Appeals for the Fifth, Sixth, Seventh, Ninth, and Eleventh Circuits, and the United States District Courts of the Southern District of Texas, Northern District of Texas, Eastern District of Wisconsin, Western District of Wisconsin, Western District of Tennessee, Middle District of Florida, Southern District of Florida, Eastern District of Michigan, and Northern District of Illinois.

14. My law firm and I are fully and unequivocally committed to this action and the time consuming task of prosecuting this litigation to conclusion, and even to trial. My law firm has the necessary financial resources and legal experience in its over 550 trial lawyers to equalize the playing field in pursuit of justice for the members of the class, and to prosecute this action to a successful conclusion. My law firm and I intend to dedicate substantial resources to this action, and we have the knowledge, skill, and experience necessary to effectively and efficiently litigate this matter. The formidable resources of Morgan & Morgan, combined with my personal pledge of time and energy, my proven track record for working professionally and collaboratively with my peers, and my substantial privacy and data-breach litigation experience, will allow me to ably serve, personally and actively, as lead class counsel, which this declaration supports.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed September 1, 2020 in Tampa, Florida.

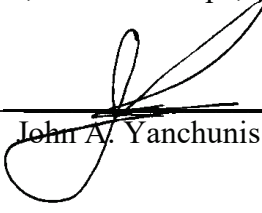
By: 
John A. Yanchunis

Exhibit 1

Mr. Yanchunis leads Morgan & Morgan's class action group. Morgan & Morgan is the largest Plaintiff's, contingency-only law firm in the country, with over 550 lawyers in more than 50 offices throughout the United States. Its depth as a trial firm, and its self-funded financial resources, allow it to undertake the largest and most significant cases throughout the country. Mr. Yanchunis—whose career as a trial lawyer began 37 years ago following the completion of a two-year clerkship with United States District Judge Carl O. Bue, Southern District of Texas, (now retired)—has efficiently and expeditiously led many privacy Multidistrict Litigation (MDL) and non-MDL class action proceedings, including as Lead or Co-Lead Counsel, as detailed below with each case's current status denoted in parentheses.

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(final hearing seeking approval of \$117,500,000.00 common fund settlement set for April 2, 2020); *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.) (co-Lead Counsel) (final judgment entered approving a settlement on behalf of a class of 40 million consumers with total value of \$29,025,000); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.) (member of the Plaintiffs' Steering Committee) (final judgment entered approving \$380.5 million fund); *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.D.C.) ("OPM") (member of the Executive Committee) (dismissal on standing grounds recently reversed on appeal to the D.C. Circuit); *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2522 (D. Minn.) (Executive Committee member) (final judgment approving a settlement on behalf of a class of approximately 100 million consumers upheld by the 8th Circuit).

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